

REMARKS

Claims 1-20 are pending. Claims 3-5 and 14-16 have been canceled without prejudice in light of the amendments to claims 1 and 12, respectively. Applicants address below each of the rejections set forth in the Action.

I. Claims 1, 2, 6-13, and 17-20 Are Patentable over Britto in view of Chippendale

Claims 1, 2, 6-13, and 17-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,253,762 to Britto (Britto) in view of U.S. Patent No. 5,490,497 to Chippendale, et al. (Chippendale). Applicants respectfully traverse this rejection.

Applicants have amended independent claims 1 and 12 to include the recitation "wherein the metering chamber is made from a plastics material which is a mixture of a fluorinated polymer and a non-fluorinated polymer with the proviso that the surface of the metering chamber in contact with the aerosol formulation is not coated with a fluorinated material." Support for the new recitations can be found, for example, in the following disclosure from pages 3 and 4:

Accordingly the invention relates to a valve for an aerosol container for dispensing a suspension or solution of a substance in a liquid propellant contained therein, wherein the valve comprises a valve body defining a chamber, a transfer passage through which a quantity of substance to be dispensed can pass from the container into the chamber, and dispensing means which allows the substance to be dispensed, in which the chamber comprises a fluorinated polymer.

The invention further provides an aerosol container which comprises a valve according to the invention, and an inhalation device, preferably a metered dose inhaler, which comprises the aerosol container.

The invention further provides a method of reducing drug deposition in a metering chamber for use in a metered dose inhaler by the use of a fluorinated polymer according to the invention.

The invention further provides a valve for an aerosol container as described hereinabove in which the surface of the chamber, for example, the metering chamber, in contact with the substance to be dispensed is coated with a fluorinated material including fluorine coatings, plastics materials comprising fluorinated materials etc.

This disclosure indicates that coating the surface of the metering chamber with a fluorinated material is a further aspect of the invention disclosed in the specification, which Applicants have

elected to carve out of the invention recited in amended claims 1 and 12 by insertion of the proviso.

Applicants respectfully submit that Britto in combination with Chippendale neither discloses nor suggests an aerosol container that includes a valve having a metering chamber “wherein the metering chamber is made from a plastics material which is a mixture of a fluorinated polymer and a non-fluorinated polymer with the proviso that the surface of the metering chamber in contact with the aerosol formulation is not coated with a fluorinated material” as recited in amended claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over Britto in view of Chippendale. For at least similar reasons, Applicants respectfully submit that amended independent claim 12 is patentable over Britto in view of Chippendale.

Claims 2 and 6-11 each depend from patentable independent claim 1. For at least this reason and without acquiescing in the Action’s rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Britto in view of Chippendale. Applicants expressly reserve the right to argue the separate patentability of one or more of these claims in the future.

Claims 13 and 17-20 each depend from patentable independent claim 12. For at least this reason and without acquiescing in the Action’s rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Britto in view of Chippendale. Applicants expressly reserve the right to argue the separate patentability of one or more of these claims in the future.

For at least the foregoing reasons, Applicants respectfully request the withdrawal of the outstanding rejections of claims 1, 2, 6-13, and 17-20 over Britto in view of Chippendale.

II. Conclusion

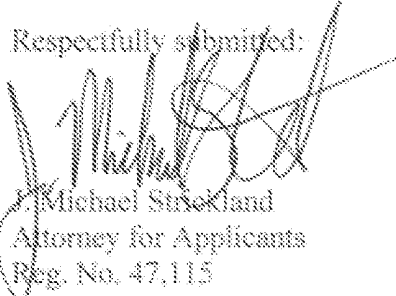
The concerns of the Examiner addressed in full, Applicants respectfully request entry of this Amendment after Final and the issuance of a Notice of Allowance forthwith. Alternatively, Applicants respectfully requests entry of this Amendment after Final as narrowing the issues on appeal.

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Applicants encourage the Examiner to direct any questions regarding this application to the undersigned, who may be contacted at (919) 483-9024.

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